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In re Application of:	:	
FUKUSHIMA, Yoshimitsu, et al.	:	DECISION ON PETITION
U.S. Application No.: 10/589,254	:	(37 CFR 1.181)
PCT No.: PCT/JP2005/002007	:	
International Filing Date: 10 February 2005	:	
Priority Date: 13 February 2004	:	
Atty Docket No.: 060595	:	
For: RECORDING MEDIUM DRIVER	:	
AND RECORDER/PRODUCER	:	

This decision is issued in response to the "Request For Corrected Filing Receipt" filed 21 March 2008, treated herein as a petition under 37 CFR 1.181 to correct the date under 35 U.S.C. 371(c). No petition fee is required.

### **BACKGROUND**

On 10 February 2005, applicants filed international application PCT/JP2005/002007. The international application claimed a priority date of 13 January 2004, and it designated the United States. On 25 August 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 14 August 2006.

In August 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, an English translation of the international application, and an executed declaration.

On 06 March 2008, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Acceptance (Form PCT/DO/EO/903) identifying the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 14 August 2006. Also on 06 March 2008, a filing receipt was issued that identified the 35 U.S.C. 371(c) date as 14 August 2006.

On 21 March 2008, applicant filed the "Request For Corrected Filing Receipt" considered herein as a petition under 37 CFR 1.181. The petition asserts that the correct 35 U.S.C. 371(c) date for the present application is 11 August 2006, the date the national stage materials herein were filed. The petition is accompanied by a copy of a return postcard itemizing the materials filed to initiate the present national stage application and bearing a USPTO receipt stamp dated 11 August 2006.

### DISCUSSION

The documents filed by applicants to initiate the present national stage application, including the Form PTO-1390 Transmittal Letter, the executed declaration, and the English translation of the international application, are all dated 14 August 2006 in the electronic application file. However, a review of the application file reveals that the first page of the Form PTO-1390 bears a USPTO receipt stamp dated 11 August 2006. Moreover, a review of USPTO records confirms that the fee payment included with applicants' original national stage materials was accorded a receipt date of 11 August 2006.

Based on the statements in the present petition, the accompanying itemized return postcard bearing a USPTO receipt stamp dated 11 August 2006, USPTO records confirming receipt of applicants' fee payment (including the basic national fee) on 11 August 2006, and the 11 August 2006 receipt date stamped on the first page of the Form PTO-1390 filed herein, it is concluded that the materials filed to initiate the present national stage application, including the basic national fee payment, English translation, and executed declaration required under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4), were originally filed herein on 11 August 2006 (see MPEP section 503). Accordingly, the correct date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) for the present application is 11 August 2006, as asserted by applicants in the present petition.

### CONCLUSION

The petition under 37 CFR 1.181 to correct the 35 U.S.C. 371(c) date for the present application is **GRANTED**.

The materials filed to initiate the present national stage application, including the basic national fee payment, English translation, and executed declaration required under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4), are treated as having been filed herein on 11 August 2006.

The Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt mailed 06 march 2008, both of which incorrectly identified the 35 U.S.C. 371(c) date as 14 August 2006, are hereby **VACATED**.

This application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including issuing a corrected Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt which properly identify the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) as 11 August 2006.



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